

Q2  
Comm.

identifying a variance of said asset information to said scheduling  
information;  
modifying said scheduling information at said master scheduler to obtain  
modified scheduling information, and  
transmitting said modified scheduling information to a program guide  
system and to a business support system, said program guide system disseminating  
program guide information and said business support system generating billing  
information.

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### **REMARKS**

In the non-final Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as anticipated by CLARK (U.S. Patent No. 5,383,112), rejected claims 4-7 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of GARDNER et al. (U.S. Patent No. 5,583,995), rejected claims 8 and 9 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of GARDNER et al., and further in view of NOURI et al. (U.S. Patent No. 6,088,816), rejected claims 10, 17, and 18 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of DAVIS et al. (U.S. Patent No. 5,576,755), rejected claims 11-14 and 21-27 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view DAVIS et al., and further in view of GARDNER et al., and rejected claims 15, 16, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al. and NOURI et al.

Reconsideration and allowance of the above-identified application are respectfully requested in view of the following remarks. By way of this amendment, claims 9 and 26 have been canceled and claims 1 and 21 have been amended to include the features of claims 9 and 26, respectively. Claims 1-8, 10-25, and 27 remain pending.

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as allegedly anticipated by CLARK, rejected claims 4-7 under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of GARDNER et al., and rejected claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of GARDNER et al., and further in view of NOURI et al. Applicant respectfully traverses these rejections.

CLARK is directed to an inventory management system. In CLARK, a serving computer 15 controls the operation of a group of video players 17 in accordance with an exhibition plan or schedule (col. 4, lines 23-26). The exhibition plan includes a five-digit event code, a title, rating code, channel, starting times, dates, run time, and price for each exhibition of a performance (col. 4, lines 34-37).

GARDNER et al. is directed to a data storage and retrieval system. In GARDNER et al., the system allocates the storage of data across one or more levels of I/O devices organized in a hierarchical manner in such a way as to balance the bandwidth imposed on the I/O devices (Abstract).

NOURI et al. is directed to a fault tolerant method for obtaining and displaying, or updating the status of server components through a remote interface board and either a

local or remote client machine without intervention of the server operation system software (Abstract).

In contrast, the present invention recited in amended independent claim 1, for example, includes a combination of features, including a schedule management system arranged to receive and validate a schedule, and a content manager system arranged to monitor and control the loading of assets into a video server according to the validated schedule, where the assets include video content scheduled for staggered transmission to subscribers of the near-video-on-demand system using a plurality of channels, where the plurality of channels includes a test channel dedicated for testing a selected asset, and where the content manager includes a graphical user interface configured to allow an administrator to view the selected asset using the test channel to verify the integrity of the selected asset loaded into the video server. Applicant respectfully submits that CLARK does not disclose this combination of features.

For example, Applicant respectfully submits that CLARK does not specifically disclose a test channel dedicated to testing a selected asset. This feature was formerly recited in Applicant's claim 9. The Examiner did not specifically address this feature in the Office Action. In the rejection of claim 9, the Examiner appears to rely on GARDNER et al. and/or NOURI et al. Applicant respectfully submits that GARDNER et al. and NOURI et al., whether taken alone or in combination with CLARK, do not disclose or suggest this feature. If this rejection is maintained, Applicant respectfully requests that the Examiner specifically point out where in CLARK, GARDNER et al. or NOURI et al. the recited test channel is disclosed.

Since CLARK, GARDNER et al., and NOURI et al. do not disclose a test channel dedicated to testing a selected asset, these documents cannot be said to disclose the content manager system including a graphical user interface that allows an administrator to view the selected asset using the test channel to verify the integrity of the selected asset loaded into the video server, as also recited in amended claim 1. The Examiner did not specifically address this feature in the Office Action. If this rejection is maintained, Applicant respectfully requests the Examiner to specifically point out where in CLARK, GARDNER et al., or NOURI et al. this feature is disclosed.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is not anticipated by CLARK and is patentable over CLARK, GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination. Applicant further submits that claims 2-8, which depend from claim 1, are patentable over CLARK, GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features that are not disclosed by CLARK, GARDNER et al., or NOURI et al.

For example, claim 3 recites a schedule distributor arranged to distribute a finalized schedule of programming events to external entities of the near-video-on-demand system. Applicant respectfully submits the CLARK, GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination, do not disclose this feature. The Examiner relied on Figure 1 of CLARK for disclosing the master scheduler 20 as being separate from the video server 11. Irrespective of the Examiner's assertion,

Applicant respectfully submits that master scheduler 20 and video server 11 disclosed in Figure 1 of CLARK are not equivalent to the recited schedule distributor that distributes a finalized schedule of programming events to external entities of the near-video-on-demand system. Even if CLARK could be construed to disclose that the master scheduler 20 sends a final schedule to the video server 11, the recited schedule distributor distributes a finalized schedule of programming event to external entities. Applicant submits that CLARK does not disclose this feature. Moreover, Applicant submits that GARDNER et al. and NOURI et al. do not disclose this feature.

For at least the foregoing reasons, Applicant respectfully submits that claim 3 is patentable over CLARK, GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination.

Claims 10, 17, and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al. Applicant respectfully traverses this rejection.

DAVIS et al. is directed to a system that verifies electronic television program guide data. In DAVIS et al., the system automatically checks program listings data in a database of television program schedule listings used in an electronic program guide (Abstract).

Independent claims 10 and 17 include a feature similar to that described above with respect to claim 3. Therefore, for at least the reasons given above with respect to claim 3, Applicant respectfully submits that CLARK does not disclose a schedule distributor that distributes a finalized schedule of programming events to the video

server, the electronic program guide provider system, and the business support system.

Applicant further submits that DAVIS et al. does not disclose this feature.

For at least the foregoing reasons, Applicant respectfully submits that claims 10 and 17 are patentable over CLARK and DAVIS et al., whether taken alone or in any reasonable combination. Applicant further submits that claim 18, which depends from claim 17, is patentable over CLARK and DAVIS et al. for at least the reasons given above with respect to claim 17.

Claims 11-14 and 21-27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al.

Claims 11-14 depend from claim 10. Similar to the arguments presented above with respect to CLARK and DAVIS et al., Applicant respectfully submits that GARDNER et al. does not disclose a schedule distributor that distributes a finalized schedule of programming events to the video server, the electronic program guide provider system, and the business support system. As such, Applicant respectfully submits that claims 11-14 are patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Applicant's amended claim 21 includes a feature similar to that recited above with respect to claim 3. Applicant respectfully submits that CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, do not disclose

transmitting the modified scheduling information to a program guide system and to a business support system, as recited in claim 21.

For at least the foregoing reasons, Applicant respectfully submits that claim 21 is patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination. Applicant further submits that claims 22-25 and 27, which depend from claim 21, are patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 21.

Claims 15, 16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al. and NOURI et al. Applicant respectfully traverses this rejection for the following reasons.

Claims 15 and 16 depend from claim 10 and claims 19 and 20 depend from claim 17. Applicant respectfully submits that NOURI et al. and GARDNER et al. do not remedy the deficiencies set forth above with respect to claims 10 and 17. Accordingly, Applicant respectfully submits that claims 15, 16, 19, and 20 are patentable over CLARK, DAVIS et al., GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 10 and 17.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

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